

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

<p>ABIRA MEDICAL LABORATORIES, LLC d/b/a GENESIS DIAGNOSTICS,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>BLUE CROSS AND BLUE SHIELD OF MONTANA, <i>et al.</i>,</p> <p style="text-align: center;">Defendants.</p>	<p style="text-align: center;">Civil Action No. 23-20755 (GC) (JBD)</p> <p style="text-align: center;"><b><u>ORDER &amp; JUDGMENT</u></b></p>
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**THIS MATTER** comes before the Court upon Defendant Blue Cross and Blue Shield of Montana's Motion to Dismiss for lack of personal jurisdiction pursuant to Federal Rule of Civil Procedure (Rule) 12(b)(2) and for failure to state a claim pursuant to Rule 12(b)(6), or alternatively, for relief under Rule 12(e). (ECF No. 8.) Plaintiff opposed, and Defendant replied. (ECF Nos. 9 & 10.) The Court carefully considered the parties' submissions and decided the matter without oral argument pursuant to Rule 78(b) and Local Civil Rule 78.1(b). For the reasons set forth in the Court's accompanying Opinion, and other good cause shown,

**IT IS** on this 26th day of June, 2024, **ORDERED, ADJUDGED, and DECREED** as follows:

1. Defendant's Motion to Dismiss (ECF No. 8) is **GRANTED** in part and **DENIED** in part.
2. The Court finds that it lacks personal jurisdiction over Defendant, and the Amended Complaint (ECF No. 6) is **DISMISSED** without prejudice.

3. The Clerk is directed to **TERMINATE** the motion pending at ECF No. 8 and to **CLOSE** this case.

  
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GEORGETTE CASTNER  
UNITED STATES DISTRICT JUDGE